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A Bickford's Manuscript

DIALOGUE

BETWIXT

PHILAUTUS

AND

TIMOTHEUS,

In Defence of Dr FULLWOOD's

LEGES ANGLIÆ:

Against the Vindicator of

Naked Truth,

Stiling himself

PHIL. HICKERINGILL.

186
1780
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LONDON,

Printed for Rich. Royston, Bookseller to His most Excellent Majesty, 1681.

A New and Improved Edition

DIALOGUE

BETWEEN

PHILANTHUS

AND

TIMOTHY

IN DEFENCE OF DR. FULTON'S

ALLEGATIONS

Against the Ministers of

Naked Truth

Selling himself

PHIL. HICKERING

LONDON

Printed for R. B. A. at the Bookbinder's to His most Excellent Majesty, in the Strand, 1831.

TIMOTHEUS and PHILAUTUS.

CHAP. I.

Of the Author's Name, Phil. Hicckeringill.

Timothens, Well met, *Philautus*.

Philautus. Why, *Philautus*?

Tim. I know you call your self, *Phil. Hicckeringill*, but that *Dutch-Hobgoblin* name, is so rugged and harsh in the mouth; and so unfutable to the smootheness of your *Vindication of Naked Truth*; that neither my self, nor a Thousand others can endure it: at the first time they heard it, it brought a *Curse* with it; and they wish, they had never heard it since, and are frightened at the very sound of it, as if it were conjuring.

Indeed [*Hicckeringill*] speaks ill, and hears worse, therefore as you have faced about, and chang'd your countenance, as to Religion, or against it, I thought it not amiss, to change your name too.

Phil. How now *Tim*! hast an itchy endeavour to be misty forsooth, in *Vindication* of Nature and thy Stars? enough of [*Hicckeringill*] but why must p. 35.

Phil. be added to [*Autum*] why *Philautus*? thou thinkest thou hast a trick for that too.

Tim. To deal plainly with thee: every body perceives, that this *Phil. Hicckeringill*, is the same Person, that lies prostrate under the name of [*Edmond*] at the foot of *Naked Truth*: and it is known, that *Phil.* and *Edmond*, are all one, that is, *Ned* loves *Hicckeringill*; and *Hicckeringill*, is in love with himself; and for this Reason, I have made bold (for the better *Jaundis-like*) to call thee *Philautus*.

But prethee *Phil*. why art thou pleased with that throatling name *Phil. Hicckeringill*? is it not for the same reason? good wits may jump.

Phil. Say nothing *Tim*; and I will tell thee the naked truth; and whether I thought of thy reason or not, I am resolved, upon good reason, to love my self: for I see little in the world, that a Man should be fond

of; and but few that regard me as I deserve, or merit my kindness.

51. Nor can I expect otherwise, *Plain dealing* has few friends; and that's my *Fatum*: besides, I have flown at all sorts of People, *Fift-Monarchists, Anabaptists, Quakers, Independents, Presbyterians, Papists*; and, I throw in a very civil manner, at our own *Church* too: and thus have provoked them all against me; and is it not time to take care of my self?

And p. 2. I had once some hopes of favour from the *Church of England*: but now I despair; for I saw little was to be got by her kindness, and occur'd her displeasure: to speak the truth, she hath always been a *Step-Mother* to the *Author of the Naked Truth*; and he never had any thing from her, but frowns and blows; at best, but a *Bitt* and a *Knock*: and now, alas! she is in the *Wane*, and not worth the courting: I found her, lately, in the Frontispiece of a Book called, *Leges Anglia*, (a pretended answer to *Naked Truth*), pictured in a very low and weeping posture, groaning under the Cross: and I hate her in her very picture; but seeing it is so sad with her, I will pity and love my self: therefore call me what thou wilt, I am *Phil. Hickeringill*, and will be so, in sight of the World and the *Church* too.

CHAP. II.

Of the Title, *Leges Anglia*, one *Fulwood*, a libelling Pamphlet.

Thou mentionest a Book called, *Leges Anglia*: prethee, what's thy opinion of it?

Phil. That Book, I have not patience to speak of it; it so scandalously handles my beloved, *Naked Truth*: it proves it to be all lies, and then, cloaths it with *Beardskins*; and all shapes of Villany: and then exposeth it, and hectors and beats, and kills it; and all that, under the detestable name of my chief old enemy, the *Laws of England*.

Many years ago, these *Laws of England*, had like to have done me a mischief; and I could never endure the name of them since; especially, when the wind blows *Westward*: and I wonder at my heart, how these *Laws*, can give warrant to others, in a *Hectoring* way, to say Come-----*Clergyman*-----deliver your *Purse*, your *Purse*.

But with what Title but pitiful Pamphlet can challenge to swelling a Title, shall be considered only by the sequel.

Tim.

(3)

Tim. Good *Phil.* why so angry? the *Title* did thee a kindness. Some think, had it not been for this *Title*, and a small *Test*, thou hadst had little to say to the whole Book: and it seems to be true too, because thou so often makest mention, and makest so much advantage of them.

But to speak my mind; a *serious* Book, that consists chiefly of our *Laws*, and Vindicates a *legal* Government by Arguments of express *Laws*, may wear this Title of *Leges Angliae* modestly enough: though I must tell thee, I am well assured that that Title was put to the Book by another hand, and not by the *Authors*; who knew it not certainly till he saw it in *Print*: He hath often said he did not like it, because he had twit Mr. *Cary* for styling his *lesser* Book, The *Law of England*, though that seems to be a *greater* Title.

But good *Phil.* why must thy *Vindication* carry so much folly and rage in the front of it? Scornfully calling thy Adversary (one *Fullwood*) though he tells the world both his *Name* and his *Title*, and *Dignity*: If he be a *Doctor in Divinity*, and a *Dignitary* in the Church, or but an aged *Spectacle-Divine*, thou shouldest have used him with less *disdain*, if not with reverence. Some think he honoured thee too much, in condescending to take notice of, and answer thy Book, and dishonour'd himself.

Phil. Why did he not let *Naked Truth* alone then? why did he write so libelling a Pamphlet against it?

Tim. I know thou hast betray'd thy wit as well as manners, in calling a serious Book, touching *lawful government*, written by an *Ancient D.D.* a libelling Pamphlet. But *Phil.* if he write that which is true, and set his name to it, how is his Book a *Libel*?

That thou, against whom his Book is written wert guilty enough, was evident; because thou fled'st for it, not daring to put thy name, at first, to thy *Naked Truth*, as the Doctor doth to his Book. I say thou didst thus fly for it: and that out of a sense of guilt, or great fear. Fear, what, the men, or the *Leges Angliae*, thou hadst offended by thy *Naked Truth*, would do with thee, should they find thee out, as thou often confessest in that Book.

Indeed, when thou hadst got thy Friends about thee, I mean the *Rabble*, that like not the *Laws of England*; and, as thou thought it, secured thy self among thy *Abscissors*; then thou appearest, and shewest thy self, though *sneakingly*, at the Tail of thy Book.

Seeing thy self then in the face of those movable waters, thou seemest to fall in love with, and pride thy self, as the Author of a Book so highly esteemed by the weak and disturbed *Populace*; and had I not gi-

ven thee a name before, thou mightest well be called after thy great Grandfather, *Narcissus*.

Phil. Methinks thy way of concluding things with *Verses* is marvellous edifying: Let me mind thee of what a *Noble Pen* hath noted to purpose:

*The people's love, with evil Acts is won:
And either lost or kept as it begun.
What wind then blows poor Man into this Sea,
But pride of heart and Singularity?*

CHAP. III.

A Taste of Phil's Rhetorick and good Manners.

T*I M.* So much for thy *Title Page*. Casting my eye into thy *Book*, I find it strew'd all over with such fair flowers, bestow'd both on the *Author* and his *Leges Angliæ*, that I am tempted to pick them up, and dress thy *self* and thy *Vindication* with them.

As for the *Author*, thou wilt not return him *Railing* for *Railing*, as thou assurest him, *pag. 21.* those wonted attacks of effeminate and dotting old men: but thou observest, that he is an incomparable finder, and quick-sighted Commentator for a man of his age, that cannot see without *Spectacles*: and that old men can prate and scold, and so does he: Thou stilest him *Dull fool*; *Cursing railer*; *Prelatical champion*; *despicable opponent*; *sibling*, *quibbling*, *fribbling*, *fumbling*, *scribbling Archdeacon*: *Greeedy-gut*; *gormandizing*, *unbinking Black-coat*; *stockt with a little superficial learning*: *Impertinent D. D.* that has not his fellow amongst them all for insolence and impudence, &c.

Thus thou adornest the *Author*; and his *Book* thou hast so habited, that it looks just like the *Author*; for, it is the insolent and the empty windy vapours of a *buffing Man*; trifling entertainment; thin, futile and Cobweb contortures and composures; insufferable and vain-glorious poulancy; unparallel'd shallowness of expression; extravagances; impertinencies; nauseous repetitions; crazy principles; a great deal of prattle to no purpose, &c.

But to be serious *Phil.* is this thy way of answering *Books*? Shouldst thou not in all justice and Conscience, instance something, either in the *Author*, or his *Book*, that deserves at least in thy own singular opinion,

if in no bodies else) such scoundrel, *Billings-gate Ribaldry*, which turns the stomach of all modest Readers?

I must tell thee *Phil.* what *sober* men conclude upon it: Thy *despising* the Author and his Book, without Evidence, will provoke him and thy Reader to *despise* thee; and that not without cause, both *Logical* and *Moral*: For 'tis observed, that when *passion* begins to bluster thus, 'tis an argument, that there is both *need* and *want* of *Reason*: And that where the *breath stinks* so abominably, the *bowels* are *rotten*; there is rottenness *within*: for out of the abundant superfluity of naughtiness in the *heart*, the *mouth* utters such *pestilent steams*: And thus thou hast shewn thy self, in the judgment of all wise and good men, both a bad *Advocate* and an *ill man*: This seems to lye heavy upon thee; and how thou canst shake it off, I know not.

Phil. Tim. art thou Mr. *Dullman* too? let me indoctrinate thee a little better.

Know then, that the kind of *Castle* that stare at, and prick up their ears to hear *Hickeringills*, are prepared to embrace any thing that I call *Naked Truth*; and is thrown out *bravely*, and *boldly* against *Churchmen*, especially their *Courts*.

My business is not to satisfy *Reason* (where there is none to deal with) but to keep up and cherish *prejudice*, to foment and inflame *passions* and *Faction*, and thus to carry on the grateful interest of the *brutish* Populacy: and we must have *Engines suitable* to the work we are about: and what are *they*, but to despise *dominion*, and to speak evil of *dignities*? and to throw dirt, with both hands, at all that are *Advocates* for *Government*?

When a man is honoured as the *Head* of the *Herd*, thus engaged and led on, the enemies *Reason* shall never hit us; nor our *Rage* and *Railing* ever miss them: and the *Intigue* goes on.

Thou wilt find anon, that I grant his *Arguments* cannot be answered; therefore, that's a work not to be undertaken in earnest (though here also I set up my *calumny*, and entertain some slight skirmishes) but while I *belly*, and rant, and call Names, with *impudence* (enough, thou thinkst) the people will find sufficient reason to cry *victoria*: Say no more *Tim.* I know it by experience.

Tim. Phil. so wise and ingenious discourse shall be crown'd with a *Verse*.

Thus we discern, what courses they must hold,
That make this Humour of Applause their end:
They have no true, and so no constant mold;
Light change, is both their enemy and friend.

Herostratus.

*Herostratus shall prove, Vice governs fame;
Who built that Church, he burn'd, hath lost his Name.*

Tim. But, *Phil.* I am not at all satisfied, why you should fall upon the Doctor without Book: You do not find he serves you so; perhaps, he reflects severely enough, yet he keeps within the compass of your writing: you can have no reason to provoke to search too narrowly into what you have been.

Phil. What dost mean?

Tim. I mean to blame you, for calling him, *Pedagogue*: you say, in his *Juvenile years*, when he was (as indeed he was) a *furious chastizing Pedagogue*: and, with no little scorn you add; another *whipping Tom*, he took pleasure to lash and slash, p. 2.

What Confidence is this, thus to overlash, beyond your Knowledge, and contrary to known truth! the Doctor was never either a *Pedagogue*, or *Pedagogue's Son*: yet, you say, *Indeed, he was so*: but perhaps you imagined this, from his *lashes*, they fell so heavy from an old man.

Phil. I confess the *smarts* made me a little *outraged*: I mean, that which I felt from the *back-blows*, in his *Epistle*: for the *Clubb-knocks* of his Arguments; I could have born them, and said nothing, but *Mum*: however, thou shouldst not have made the Observation.

C H A P. IV.

Phil's fondness or kindness to himself, and flattery.

Tim. BUT, *Phil.* I must observe, that thou art rude with the Doctor, thou art over-kind to thy self; even to flattery and gross dawbing, usque ad nauseam.

Doth not that sound sweetly out of thy own mouth, that, above all others, thou hast disarmed the Fanatics, &c. p. 2. Again, with great self-denial [it cost me not seven days, I protest, to answer the six Months abortive throws of, &c. p. 36. 'Tis miraculous thou couldst dispatch such a nothing in so short a time. Again, how kindly dost thou aspire, when thou breathest out [If I were Lord Chancellor, Again, 'tis meekly said, what has already (speaking of thy naked truth) got a verdict all England over; except such, &c. Lastly, not to glut the Reader with such luscious fair, that incomparable range of thy humility: whereby thou intimatest, that the Doctor's end in his answer, was to be taken

notice of, for daring to grapple with the naked truth; thus, purchasing a name and a fame, &c.

But prethee, *Phil.* what measures dost thou use? certainly, such as others are strangers to: nor is it possible thou should'st satisfy thy self for this silly vaunt.

Let me whisper in thine ear; wiser, and better, and greater Men than thy self, expressed their trouble to the Doctor, when they heard he was about to reflect upon thy scandalous Book; (for so they called it) that he should condescend so far, as to honour it with an Answer: and feared, that thou wouldst value thy self (those were the words) upon thy being taken so much notice of, by a Dignitary of the Church of England: which, indeed, had almost prevented the Print.

But at length, *Phil.* thou art a Gentleman; and will have the world know thou hast 200 l. per An. Land of Inheritance. Well *Phil.* be it so: but we must take thy word for both, seeing thou livest by ill neighbours.

We have thy Picture drawn to the life, by a Modern Dawber (no primitive Painter) in all thy Books; but, it is well, that [Gentleman] is written by, otherwise, a Man would swear, 'twere the Picture of a Cock or Bull rather than a Gentleman: a Cock for his Crowing; or a Bull for his Rage.

CHAP. V.

A Specimen of his Wit: Doctor's Expressions vindicated.

Phil. **W**Hat's the matter, *Tim.* art quite lost, and turn'd Enemy? *Tim.* I had almost done with thee, but thy wonderful *Witticisms*, which I lately discovered, have pretty well reconciled me: and made me amends for all together.

How smoothly runs that, viz. a Protestant Head must have a Protestant Face! how Ingenious that, [the Proem takes up too much room!] in another character, least the best of Puns should escape unobserved, which, without the cost of a costly Anagram, more than pays the Doctor for his Hobby Warr-Hawks: but, there's no end of this Topick, every Line has its Salt: and therefore, passing all the rest, I shall crown my observation with a little further notice of that Anagram, we hinted at, which crowns thy wit at the end of thy Book: 'tis this [*Fra. Fullwood, war. dul-fool.*]

Now, *Phil.* let's be serious a-while : and *war-dull-fool*, Indeed, is his *name*, as much too hard for thy *wit*, as his *Arguments* for thy *Reason* : what makes thee deal so harshly with it ? O *Phil.* thy wit is cruel and short : for, *War-dull-fool*, can reach but to *Fra. Ulwood* : and short and cruel : what, cut off the lower half of his *Christian* name, and the *Head* of his *Surname* ? I now find thy knack at capping of Verses and uncapping of Names : and am not much concern'd, tho' his *Name* thus suffers, seeing his *reputation* is above thy reach.

Phil. Would any Man alive beside thee have been such a fool in print ? and without shame have boasted of this *subtle Sylly* Anagram, as thou callest it thy self : such folly, calls for the fury of a chastizing *Pedagogue*, and whipping *Tom* indeed.

Phil. What, because it is not true to a letter ! the troth is, *Tim*, for a *phaisie* or a humour, we *Wits*, regard, neither *truth* nor *sense*, nor *good manners*.

But now I am provoked, I'll expose two such instances of the *De-Edon's wit*, that are strangers enough to fence, and as much as any of mine.

1. What dost think of his *rock of Sand* ; upon which he supposeth me to triumph ? I never heard of a *Rock of Sand* before.

Tim. It may be so *Phil.* but I think the expression is at least pardonable : but thy Reading in *Philosophy* is hardly so : hast forgot or didst never hear of that question about the generation of *Stones* and *Rocks* ?

But cease thy wonder : he never intended a *natural* real and firm *Rock* ; for he knew well enough, that thou hadst none such to stand upon : but he meant such as thou hadst, and such as thy matter depended upon ; a *fictitious*, false counterfeit *rock* : and such a one may easily be made of *Sand*, mix'd with the slime and dirt which so much defiles *Naked Truth*.

Phil. But thou canst never bring him off for his other extravagancy : for lying, envy, malice, &c. he saith, *I am a very Angel of light*.

Tim. What *Phil.* fail in thy *Rhetorick* too ? hast forgotten the figure that warrants such manners of expression ? I wonder, what thou wouldst be called ; for such kind of virtues : as lying, &c. or any of thy other excellencies. An *Angel of Darknes*, and Confusion ; the *Prince of the Air* : the *Accuser of the Brethren* : or a *Devil-incarnate* !

And in this *Sphar*, this *Wilderness* of *Evils*
None prosper highly, but the perfect *Devils*.

CHAP. VI.

A previous attempt of Mr. Phil's Judgment and Logick.

S E C T. I.

Tim. **T**Hough thou approachest towards the *main battle* *timide*, and with deal of *modesty* even to despair; yet I observe thou makest some *on-fert*, that give tokens of some *braveness* in thee.

I acknowledge, thou art strangely qualified: with *stourness* of body, *resoluteness* of mind, *invincible passions*, haughtiness of expression, accurateness in *History* and *Law*, especially against the *Church* and *Ecclesiastical Courts*; all managed with a singular stream of *wit* and *fancy*, as I lately noted. Yet to deal plainly with thee, *Phil.* there is a small gift or two, that seem not to be altogether so compleat in thee. I mean, that clearness of *mind* and *soundness* of *wisdom*, and that dexterous faculty of *reasoning*, that should crown a *disputant* of thy strange *adventure*.

Phil. How man! why that's my glory: and in the knack of *arguing* I challenge the world.

But if it should be with me, as thou saist, yet thou maist perceive, I am even with this *Archdeacon*: for he laith out his whole strength in a *little point*, which I denied and indeed argued against, with all my might and skill in *Law* and *Story*: Namely, the Lawfulness of *Ecclesiastical Government*; and seems to neglect those *Weightier* things, of *Procurations*, *Synodals*, *Fees* of Courts, &c. and is not that as ill in him, as for me, to shew my *weakness*, in those *noble* points of *resolution*, *passion*, *fancy*, *story* and *expression*; though I should be found *less*, and less concerned in the *inconsiderable* points of *wisdom* and *reason*. However, *Tim.* I know no *Nakedness* in my discourse, but the *Naked Truth*: If thou dost, shew it.

Tim. This *Nakedness* appears in the whole body of thy Book; not to prevent that discovery, I shall here only instance in two of thy attempts.

The Doctor had said, our *Laws* exclude the purely *Spiritual* power of the *Key* from the *Supremacy* of our *Kings*: except we be so far that *Spiritual* men do their duty therein.

Hereupon I am ashamed to see, how thou *improves* before the *Victory*, and how *unyielded*, how *poorly*, and *frantically* thou attackst him.

First, Thou say'st *K. Hen. 3. preach't in Pulpit, ergo, &c.* Secondly, *Emperors* called *Councils* and approved their *Canons*: *Ergo*: Thirdly, Our *Kings* are ordain'd *Priests* as *Baker* relates, therefore thou strongly conclude'st they have the *power of the Keys*; but the conclusion should have been, that they have the (*purely Spiritual*) power of the *Keys*: dost not perceive it, *Phil.*

Our *Laws* do say that the *King* is *mixta persona cum sacerdote*: and all those enshins at his *Coronation* import as much: but in which of them is it said, *Take thou Authority to preach the word of God, or administer the Sacraments*?

Here, *Phil.* thy understanding fail'd thee: the *political* power of the *Keys*, do in a sence belong to our *Kings*, but not the *purely Spiritual* power, except *mediately*, as at first was granted: the *King* is a *Priest* in *tanto* not in *Toto*.

But if thou canst prove our *Kings* to be *Priests* in all respects: Look to it *Mr. Baxter*: you are undone: for then we have a *proper Spiritual* head of the *Church of England*: yea, look to it *Phil.* for, near thou hast undone thyself, in thy *state Religion*.

For if the *Head* be properly a *Priest*, what body can fit him, acting as a *Priest* in making *Canons* and governing the *Church*, but a body of *Priests*? Is the *Parliament*, with whom he maketh other *Laws*, or the *Judges*, *Sheriffs*, *Justices*, &c. by whom he governs the *Kingdom*, a fit body for a *Priestly* head? Do not these act under him rather as a *King*? and a *Convocation of Priests* and *Spiritual Courts*, more congruously act under him as a *Priest* (if he be, in all points, a *Priest*, and have all the *Spiritual* power of the *Keys*) both in making *Canons*, i. e. *Spiritual Laws*, and governing the *Church*, by them?

Poor --- Ape! why art thou venturing still
At this so subtle game, and play'st so ill?

S E C T. II.

Another piece of his Logick against Chancellors, &c.

Secondly, We have another such trial of thy honest Logick upon a part of his *Proem*; which, if thou hadst quite (as thou say'st thou hadst almost) forgotten, little had been lost.

'Tis this: the *Doctor* intimates that *Chancellors*, *Registrars*, &c. are *Assistants* by *Law*, allowed to *Bishops*, &c. and that in *1 Cor. 12. 28.* we

read

read of helps in Government, which he intimates is a *general warrant to the Law of the Land*, for such allowance.

Now reflect upon thy answer, *Phil.* in stead of an answer thou very honestly imposelt and intrudest another Conclusion: Thou say'st he would prove these inferior Officers, to be all *Church-officers Jure Divino*: which was the very objection he went about to remove: he doth deny them to be *Church-officers*, strictly speaking; neither doth he affirm them to be *Jure Divino*: but he saith, and thou say'st nothing to the contrary, but a great truth (*that Esquire Dun is so too*) he saith, that if making and keeping *Alts of Court*; if managing and ordering *Causes* aright; if serving *Summons* and executing *Mandates* of the Judge, if these be reasonable things and *expedient* in government, then the persons appointed by Law to perform these things, are *useful* in government, and agreeable to that general word and warrant in *Scripture*: and upon the very same moral and prudential ground, *Deacons* were at first appointed by the *Apostles* (*Acts 6.*) and many other things justly practised, even in the first 300. years; though not found in use in the *Apostles time*: for the succeeding Ages of the Church inherited *Reason* and prudence, whose proper use is to apply *general Rules* in *Scripture* with particular conveniency to *times* and *places*: but, *Phil.* if thou hast neither Reason nor Prudence, how shall a man beat this into thy head?

Page 251

Thou say'st, the Doctor has no guts in his brains; one would think thou hadst been in *Devonshire*, and that some body had taken out thy brains and put in *White-pot*.

So much upon the *Proom* too.

CHAP. VII.

A step towards the matter of the Doctors Book, and the main Battle.

Phil. These things, *Tim.* are about the *out-work* only; but do not I quit my self like a man, when I come into the open field, or, at least, like a *crafty* combatant.

Tim. At present, I shall only remark to thy eternal honour, that thou preparest thy self like a man of war indeed; and viewest thy enemy in all the strength of his five Propositions (in opposition to thine, *Page 5.* against

against Ecclesiastical Government) but durst thou have stood to any one of them, thou hadst been a *Man* indeed.

But, instead of that, thou fliest from *his* and *thy own* Propositions too; and leavest them to defend themselves: And as a man *knock'd* oth' head, and *stun'd* with the blows received before, thou *staggerest* and ramblest from one impertinent *story* to another, but always avoidest the *main point*.

Phil. Perhaps I had reason, the point was *sharp*.

CHAP. VIII.

PROP. I.

Our Ecclesiastical Jurisdiction was not derived from the Pope, but from the Crown before the Reformation by Hen. 8.

Tim. **N**OW for the *Rancounter*, as thy War-like word is: Is *this* Proposition true or no? If it be not true, why dost thou grant it at last? If it be true, why dost oppose it, and shew all thy little *Wit* and impertinent *story* to obscure or weaken it? thou art the Author of *Naked Truth*.

Phil. I will speak plain anon; but I'll have liberty to shew my Parts and Reading: therefore, *quomodo probas, Domine D. D.* Pag. 5.

Tim. The Doctor begins his proof, by minding thee of the Ancient Constitution of the English Church: and teaching thee, if thou be not too old or too stubborn to learn, That it was a known Law 25 *Edw.* 1. and 25 *Edw.* 3. long before *Hen. 8.* that the Church of England was founded in *Episcopacy* by our *Kings*, &c. and not in the *Papacy*.

To this great ground of truth, how wilt an Answer have we, Pag. 5.

Thou say'st with equal ignorance and scorn, I always thought (and now) that our Church of England (I know not for the Church of England) was never founded upon *Episcopacy*, nor the *Papacy*, but on Christ the *Rock of Ages*.

Would any man alive, beside *Phil.* have had so many blunders in so few words?

1. The Doctor saith, as the *Law* saith, that our Church was founded in *Episcopacy*: thou provest by thy *wise thought*, (I always thought) that it was not founded *UPON* *Episcopacy*: thou art it seems a *thinking black-coat*: however that may pass for thy *first Blunder*.

2. And the second is like unto it: the Doctor says, our Church was founded in *Episcopacy*: thou thinkst it was founded *ON* *Christ*: as if the Church could not be founded *in* *Episcopacy* and *ON* *Christ* too: thy *second blunder*.

3. A Church may be founded on *Christ* his *Person*, and doctrine principally, as the *chief Corner-stone*: and yet mediately, secondarily, and doctrinally too, on his *Apostles* and their Successors, the *Bishops*, thou wast not aware of this *Phil.* thy *third blunder*.

4. A Church may be said to be founded two ways: in its constitution, essentially considered, and so ours, was founded by *Christ*, through the means of his *Ministers*, first calling us: secondly, *Organically*, by way of *Donation*, *Endowment*, *Investiture* and *Secular* advantages: thus, our Church was at first founded by our *Kings*, as the *Law* saith: this not heeded, made thy *fourth blunder*.

5. But the heaviest blunder is, thy stumbling over the *main* observation, for which the Doctor cited that *Law*: Viz. that seeing our Church was founded by our *Kings*, in *Episcopacy*, therefore the *Bishops* power did not originally, nor in those times, according to our own *Laws*, depend upon the *Pope*, but upon the *Crown*: *Q. E. D.* which was then the sense of the *Laws*, and all the *States* of the Realm, long before *Hen. 8.* as also is noted and assented unto, and insisted on, at the beginning of his *Reformation*.

To assert the contrary, is certainly to assert a *Papish* opinion, and one of the greatest *Arguments*, the *Romanists* use to Justifie the *Papal Usurpation* in *England*; take it as thou canst, *Phil.*

Leave off this *club-way* of arguing; thou wilt ensnare thy self: thy *Talent*, *Phil.* lies another way: thou hast no clear distinguishing Head; thou art better at dividing: and more skill'd in the methods of confounding than of founding the Church of *England*.

What didst mean *Phil.* by that non-sensical cant upon a place of *Scripture*: I know it was not thy design to stumble upon the *Rock of Ages*, and fall upon *St. Peter's*.

Phil. Enough of this, *Tim.* fool: thou know'st, to escape the *Law*, we may flee to the *Gospel*: thou know'st *Phil.* well enough; he is for a *Legal Scripture* and Religion; except when it is against him: besides, he finds canting on *Scripture*, tho' never so impertinently, sounds very lasciviously, in some Mens ears, that I have a mind to gratifie.

S E C T. II.

His other Arguments against our power before Hen. 8.

Tim. **T**hen let's see how thou prosperest with thy other Arguments against this point.

1. Thou saist, the *Pope* was *Head* of our Church before *Hen. 8.* but 'tis evident he was not so *legally*, either by *Law* or *Construction* of *Law*, or really so, in the *Constitution* of the Church of *England*: he was only so in *pretence*, and by illegal *Usurpation*: he had never *possession* by *Law*, but what he usurped was *contrary* to *Law*, and the ancient *Customes* of the Land: as my Lord *Coke* demonstrates; tho' he is not to be taken notice of by *Phil. H.* yea, his very *possession* in fact, was never *undisturbed* for any considerable time together.

The Doctor informed thee better; that it was the *sence* of the whole Kingdom that the *Pope's Power* and *Jurisdiction* here, was *usurped* and *illegal*: *Contrary* to *God's Laws*, the *Laws* and *Statutes* of this *Realm*; and in *derogation* of the *Imperial Crown* thereof: and that it was *timorously* and *ignorantly* submitted unto before *Hen. 8.* *vid. 28. H. 8. c. 16.*

2. Thou saist boldly and *ignorantly*, that *H. 8.* made Himself *Head* of the Church by *Parliament*: that's another *Popish* opinion (the *Law* is open *Phil.*) and *Argument* too, depending on the former: for both the *Law*, and my Lord *Coke* affirm, that the *Statutes* in that behalf, were only *declarative* of the Ancient *Fundamental Rights* of the *Imperial Crown* of *England*; which alone can *Justifie* the *King's Title* of the *Head* of the Church.

3. Thou arguest subtilly: that before *H. 8.* *Appeals* were frequently made to the *Pope*: and that then our *Courts* were *Rome's inferiour Courts*: What then? why then upon the *Popes* ceasing to be *Head*, the *Courts* were dissolved: *i. e.* Just as our *inferiour Courts* were dissolved upon the dissolution of the *High Commission*: Thou ought'st to know, that our *Laws* never allowed or required *Appeals* to *Rome*: and that our *Courts* continued in their proper *Legal* being, under the *Royal*, as well as and better than, under the *Popish* head.

4. At last thou questionest, whether ever a *Statute* was made, from the *Conquest*, or rather from *Hen. 3.* to *Hen. 8.* but by the consent of the *Popish Clergy*: *i. e.* the consent of the *Pope* their *Head*?

Art stark mad *Phil*? were all our *Laws* *Antichristian*, before *Hen. 8.*? was no *Law* made by the Nation or *Realm* as such, but only as *Popish*?
Are

Are all our Ancient Statutes, the Popes Laws? Did the Pope consent to all the provisions and premunire's in the Laws made directly against himself?

Phil. If my Arguments fail, take some Stories; and my free Concessions: and then I hope thou wilt be pleased.

1. My Stories prove there was *old Tugging* betwixt our Kings and the Pope, from time to time.

Tim. Well said, at last, *Phil.* and was not the Law on the Kings side? Then the Pope had neither legal, nor full, nor quiet possession: Thy cause languisheth in thy own hand; and 'tis time to yield to it: Thy Concessions are most ingenuous instances of a good nature or a baffled cause. Speak out man.

Phil. I grant that the Laws of the Popish party were contrary to the sence of King and Parliament: Well said in part *Phil.* therefore the King and Parliament were not altogether Popish: But prethee, what Laws could concern us, contrary to the sence of King and Parliament? who made those Laws for us in England? Pag. 13

Tim. But the matter is not clear yet. Speak out man.

Phil. 'Tis undoubtedly true, that the Crown of this Realm is and has been before Hen. 8. Imperial: that is, de jure, not de facto: thanks to the wicked Usurper, and his Legats --- it ought not to have been done --- it was commonly de facto done before Hen. 8.

Tim. This is something more, but not all: Thou dost imply, indeed, by [commonly] that it was not [always] so done: And if the Pope before Hen. 8. was a Usurper, he had not right here: and the Law, was against him: For, if he had had the Law on his side, how had he been a Usurper? Speak a little plainer *Phil.* and all's well, so far.

Phil. I do ingenuously confess our Ancient Ecclesiastical Government and Laws depended upon the Crown, and not upon the Pope, by the Laws of England, and in the Judgment of all the States of the Kingdom, before Hen. 8. and so did also the Execution of those Laws, by those Governors in the same publick Judgment: These are the Doctors words, and --- all this is true: and the very Naked Truth in other words varied: which saith, That all Ecclesiastical Jurisdiction till Hen. 8. was derived from the Pope: but my meaning was, that it was not derived from the Pope, before Hen. 8. thus, thou seest I have no mind to quarrel. Pag. 2

Tim. 'Tis well enough: but why didst not say so much at first, or excuse thy obscurity and distinguish sooner? Yes, why didst contend for so many pages, against that which thou art compell'd to yield at last? Art thou obstinate, that thou must be press'd, before thou wilt confess?

or hadst an Itch upon thee to visit thy *Stories*, as if the world had nothing to do but to hearken to thy impertinencies? If *Storying* were *arguing*; thou art a brave fellow, indeed; but this way, it seems, thou art not formidable. The Doctor set thee up for a *Shroveside-Cock* (as thy phrase is) and thou hast cut thy own *Comb*.

So much for the first Proposition.

CHAP. IX.

The Doctor's Second PROPOSITION.

Hen. 8. *did not make void the Ecclesiastical Jurisdiction: Neither was it void before it was restored by* Edw. 6. 2.

Phil. I Hope I quit my self better here.

Tim. Much at once: First, thou opposedst *stoutly*, by way of exception: and then thou comest off as *mildly* by way of *Concession*.

1. By way of exception, thou sayst many things to no purpose.

1. Thou repeatst thy *illegal error*; that *Hen. 8.* was *(made)* when he was only declared to be *Head of the Church* by Act of Parliament: but had it been both a *truth* and *Law*, what had that done to dissolve the Jurisdiction?

2. Thou recitest an *impertinent Assertion*, viz. *That the King and Parliament advised about new Church-Laws*: must we have a new Government every time we have new *Laws*?

3. Thou tellest, according to thy wont, some old *Stories* about *Abby-Lands*, as much to the business.

4. Thou laugh'st at a resemblance which the Doctor brought from a *Mannor*, where, though the *Land* be changed, the *Customs*, *Officers*, and *Courts* may not be changed: Here thou namest some particular Customs, that were *actually* changed by *Law* in *Hen. 8's* time; never considering, how thou undoe'st thy self: For the change of those particular Customs mentioned, are a clear confirmation of those Customs, much more, the *Courts*, and *Officers*, which are left unaltered.

5. Thou givest us the old *Colours*, which the *Rapists Convocation of Q. M.* thought otherwise; and that thou may'st think as the *Rapists* do.

2. *Phil.* I see thou wilt not be convinc'd by *Reason*: nothing will please except I *yield* the cause.

Tim. Now thou art *kind* and just too: what should a man do, when he can fight no longer but *cry quarter*? But speak out man: for I love to hear thy *Concessions* plain and full.

Phil. Nobody denies (as if *Phil.* had never done so) but *K. Hen. 8.* did enable the *Kings Courts Spiritual and Temporal* ---- but that *Statute 24 Hen. 8. 12.* limits the cognisance of matters cognoscible in the *Spiritual Courts*, to these three sorts, (reckon well, *Phil.*) causes *Testamentary, Matrimonial, Tithes and Oblations and Obventions.*

Tim. This is pretty well; for 1. Thou here *gravest* what thou hadst denied, that *Spiritual Courts* were allow'd by *Law* after *Hen. 8.* had renounced the *Popes Supremacy*. 2. Some matters (of moment) were legally cognizable in those Courts. 3. I find no reason to trust thee, *Phil.* for I find no words in that *Statute*, limiting the *Ecclesiastical Jurisdiction* to those three causes.

Upon the whole, I conclude, that *Phil.* is a singular disputant: Some of his friends are excellent, indeed, at confuting an Adversary by denying the Conclusion; but *Phil.* by granting it.

C H A P. X.

Of the Three other PROPOSITIONS.

Tim. **I**T hath appeared, that the *Popes headship* was but a *Lawless Innovation*, a lawless and needles usurpation upon the Crown, and a *superinduction* to the confirmation of our *Bishops, &c.* and their power of Jurisdiction, that did really operate nothing upon their efficacy and legality; and that they stood firm enough, as having their power from the Crown and our own *Laws*, without any real dependance on the *Pope* before *Hen. 8.* which was the clear sense of our *Laws* long before *Hen. 8.* and of the whole *Kingdom* in his time, and since; as my Lord *Coke* in *Cawdries Case*, and Sir *John Davies* in *Lalors Case*, have so fully proved, that thou durst not look them in the face, though so often by the Doctor urged to it.

It hath also appeared, that thus the *Bishops, &c.* and their Jurisdictions were continued and confirmed by *Hen. 8.* and the Doctors *two first Propositions* are yielded by thee, under thy own hand: and thou hast

quit thy self bravely *Phil.* in first denying them, and long contesting them; and at last honestly yielding and granting both, with a boon-grace.

But *Phil.* where shall we find the Doctor's three other Propositions, that more nearly concern'd thee? Thou should'st have had courage to set them before thee, as distinctly as thou didst the former, though thou hadst treated them as confusedly: But methinks, thou art more afraid of them.

ult. Phil. I was in haste; and I had more important affairs in hand then to spend much time with such a scribbling. *D. D.* my Book is worth the reading, for my useful Stories and Poetry: Thou wilt find upon a diligent search, that I have said as much as I had a mind to, to each of those Propositions; though I am sensible enough 'tis somewhat loosely.

Tim. For once *Phil.* I am content to rake among thy Rubbish, though no man else would endure the scent: Indeed I find something or nothing about the third Proposition; and by the by a lap and away (as *Canis ad Nilum*) in pag. 16. though here I expected thy whole strength: Give me leave to set it down before thee, and see how thou look'st upon it.

CHAP. XI.

The Doctors Third PROPOSITION.

Ecclesiastical Jurisdiction is lawfully exercised, without the King's Name or Stile in Processes, &c. notwithstanding the 1 Edw. 6. 2.

Tim. **T**HE Doctor thought himself concerned to prove this substantially, by giving good evidence, that the 1 Edw. 6. 2. was repealed: He argued it largely, from Authority, common practice, and Law; shewing plain Statutes, now in force, to maintain his Point. Here, *Phil.* the world expected thou should'st speak to purpose, or be silent for ever: but how and where shall we find this expectation or the Doctor answered?

Phil. I have not willingly omitted to give answer to all and every the idle cavils and exceptions in his Book, pag. 26. My answer is, 1. I deny the Authority of the Twelve Judges, that declared that 1 Edw. 6. 2. is repealed

pealed, (take in the King and Council too) my own is better : especially having a *Vote* of the *House of Commons* in 1640. on my side.

Tim. Now *Phil.* I am afraid of thee and of thy cause : nay thou art afraid thy self : what, flie to a *House of Commons* in 40 ? and to a *vote* of that *House* ? and to a *Vote* of that *House* that speaks not *one word* to the point in hand ? the very words of it, as set down by thy self, *disprove* thee to thy face : thou know'st, that *Vote* hath not a tittle in it, touching this *Statute* of 1 *Ed.* 6. 2. which is the thing in *debate* : nor yet, concerning *Ecclesiastical Jurisdiction* ; and is only, concerning the *power of the Convocation to make Canons*, without a *Parliament*.

But thou clovest the Point with a sweet Note : *Indeed none are so fit to answer the Arch-deacon, as [such] a Parliament.*

Reflect a little *Phil.* and see how this point stands, after all thy spite is spent upon it : thou excepts against the *Authority* of those Twelve *Judges* ; but how dost thou answer the *reasons* of their *Judgment* which they *honestly* set down ; as the Doctor shew'd out of my Lord *Coke*, upon *Ja.* 4. ? not a word of that : what saist thou to the *constant practice*, both of the *Crown*, and all the *King's Courts*, *Civil* and *Spiritual*, contrary to that *Statute* ever since, on which the Doctor enlarged ?
Mum.

Phil. I am quite tired with his impertinencies, p. 26. he is such a prater ! p. 16. I leave him to the *Parliament*, and the point too, p. 19.

Tim. Tired and sore : and art, I believe, heartily weary of the company of this same *Tornes Arch-deacon* ; as thou hast cause to complain, p. 35. but thou must have patience a little longer, while we make *Hue and Cry* after the Doctor's fourth proposition, lest if it should be lost, *Page 31.* he sue thee for damages.

I have search'd, *Phil.* as for a *Needle in a bottle of Hay* : and at length I caught it by the skirts, in p. 26. and afterwards, as cast out into the *Page 14.* abstract of the premisses.

CHAP. XII.

The Doctor's Fourth PROPOSITION.

The Act of 1 Eliz. 1. establishing the High Commission Court was not the foundation of ordinary Ecclesiastical Jurisdiction.

Tim. **T**HOU canst not but remember how fully and largely, the Doctor both disproved and exposed thy singular Notion of this point; and now, with thy wonted Front, taking little or no notice of the Author's discourse, thou saist the same over again.

That Branch which gave the Queen power to settle the High Commission, being repealed by 13 Car. 1. 12. For my part, 'tis beyond my apprehension to find out, where the Authority of Ecclesiastical Courts can or does consist.

For thy part! it's well thou speakest for thy self: who is the dull fool now? what, not apprehend, what every body else apprehends? is a singular non-sensical notion, and barrenness of Apprehension, sufficient strength or warrant to batter Government?

Phil. I cannot beat it into my head, who gave them that Authority they pretend to. Not the Pope, as of old, not the Common, I am sure: nor can possibly the Canon-Law or Statute-Law.

Tim. Well fare thee *Phil.*, what need of reason? thou hast done all in a word: and had not the Doctor demonstrated, 1. That the Pope did never give us that Authority. 2. That Ecclesiastical Jurisdiction is establish'd by Common-Law. 3. By an infinite number of Statutes. 4thly, and lastly, By that very Statute that takes off the power of the High-Commission, we might have taken thy word: but thou hast opened a wide door; and set us in a large Field: wherein we shall follow thee with patience, upon the Heads mentioned; and hasten to the end of our pleasant Journey.

S E C T. I.

Our Ecclesiastical Courts not impowred originally from the Pope.

Phil. **T**HAT the Pope gave them their Authority of old, is evident: for the Arch-deacon rightly notes, that, till William the Conqueror,

queror, there were no Bishops Courts in England, but the Hundred Courts: But the Pope made William the Conqueror set up such Ecclesiastical Courts as were at Rome; to proceed according to the Canons of the Pope: and was there ever any Statute made from William the Conqueror, or rather Henry 3. to Hen. 8. but by the consent of the Popish Clergy, that is to say, the consent of the Pope their Head? p. 6.

Tim. Thou art a bold undertaker Phil. but is't possible thou shouldst be ignorant, that the Conqueror was not so much a slave to the Pope? that he confirm'd and published the Laws of his Predecessor, that he maintained the Ecclesiastical investiture in the Crown? (all which thou may'st find in Selden's Notes upon Eadm. as also the Proclamation mentioned, for the distinction of Courts, seeing thou art at a loss about it.)

Yea, doth not that Law of the Conqueror suppose the pre-existence of our Ecclesiastical Jurisdiction, tho' not in a distinct Court before the Conquest? Yea, canst imagine, that when Spiritual Causes were tried in Hundred, and at the Civil Courts of Judgment, that Laymen had any thing to do with them, more than to be present? quare.

However, did not the Doctor rightly observe, that that very Law that divided the Courts, was made by the King's own power, not the Pope's, and with the Council of his own Realm alone?

Tho' William the Conqueror was a Papist, doth it follow that he did nothing, and made no Laws, but quatenus a Papist, and not as King of England? Do not the Statutes of Hen. 8. and my Lord Coke, plainly prove, that Canons and Foreign Laws become the King's Laws, when confirmed by Parliament, or made so by reception voluntary, consent or custom?

Must all our Laws before Hen. 8. and after the Conquest be thus damn'd for Popish Laws, and the Pope's Laws, and those too that were directly made in provision against the Pope himself and his Usurpations? as before.

Was ever such stuff vented before? it's well thou hast a Salvo Father from Hen. 3. tho' that also gives Sentence against thee.

S E C T. II.

Ecclesiastical Courts by Common-Law.

Phil. BUT for him to say, *they keep Courts by Common-Law is the idlest of all dreams*: the *Common-Law* of *England* is *ancient* than our *Christianity*. But *Bishops*, much less *Arch-Bishops* and *Arch-Deacons*, as now in *England*, are of *later date*; therefore *their Courts* can have *no foundation in Common-Law*.

Tim. Thou art a *Lawyer*, *Phil.* now, with all thy *Law*, canst thou deny this *Proposition*, that *long Ancient and general use is Common-Law in England*? as saith my *Lord Coke*: or canst thou deny this *Assumption*, that our *Ecclesiastical Courts* are of *very ancient and general use in England*? if not, as thou dost not dare: what hinders this *Conclusion*, that we keep *those Courts by Common-Law*?

2. Again, *Phil.* If there was such a thing as *Ecclesiastical Jurisdiction* in *England*, before the *Conquest* (as most certainly there was) how stood it then? thou grantest, not, by *Canon-Law*, (it was exercised contrary to the *Canons*.) I grant, it stood not by *Statute-Law*, viz. before we had any *Statutes*, then it must stand before the *Conquest*, upon *Common-Law*.

3. And indeed since the *Division* of the *Courts* by the *Conqueror*, the same ancient *Ecclesiastical Authority*, is continued in its exercise, as to its *Substance* by *Common-Law*, tho', in that *new mode*, as distinguish'd from the *Civil*, and in *distinct Courts*: as matters of *other nature*, that have their foundation in *Common-Law*, tho' somewhat new modified by *Statute*, continue to be *Common-Law* still, so far as they are not altered, as no Man of sense will deny.

4. Yea the very *Courts* themselves, tho' divided by the *Conqueror*, continuing afterwards *so long a time in general use*, in *England*, before *Statute-Law*, came, thereby, to be customary, and contracted the nature of *Common-Law*: and certainly there is no necessity that every particular in *Common-Law* should have its beginning before *Christianity* in *England*, if it fall under the condition of ancient and general use: and *Phil.* thou knowst that *Statute* that limits the time, that is required to make a *custom in England*: and [*before Christianity*] or [*from the beginning*] was never put into the definition of *Common-Law*.

5. Lastly,

5. Lastly, That they were so, hath thus further demonstration; That all the Statutes, from *Magna Charta*, suppose the *Spiritual Courts* pre-existing, i. e. by *Common Law*, or ancient allowed usage of the whole Realm: And my Lord Coke is express, that *Spiritual Causes* belong to these Courts by *Common Law*.

But to put this crotchet out of thy head for ever; I argue thus: That which was found in general use when *Magna Charta* was first made, and was confirm'd by *Magna Charta*, and is not made void by Statute, stands confirm'd both by *Common* and *Statute-Law*: for the great Charter is both.

But the *Spiritual Courts* were found in general use, when *Magna Charta* was first made, and were confirm'd among the liberties of the Church in their Jurisdiction, as my Lord Coke assures us by *Magna Charta*; and are not made void by Statute: therefore our *Spiritual Courts* stand confirm'd, both by *Common* and *Statute-Law*, in the great Charter of England; as more at large appears in the Doctors *Leges Anglia*, hadst thou had patience to understand it.

Object. Thou say'st *Phil.* the Doctor is an old Spectacle-dreamer of idle dreams. I say *Phil.* thou art a better Seer, and seest Visions, and Apparitions both of things that are, and things that are not: and among the rest, thou seest the Charter of England, with its pendent, Ecclesiastical Jurisdiction, torn all in pieces, by a thing of nothing, and thus it works, pag. 26.

Many things, say'st thou, that were before the rights of Holy Church, namely, *Peter-pence*, *First-fruits* to the Pope, &c. are now taken away by Statute, and are not continued by *Magna Charta*. Even just so, the Jurisdiction of our Courts which was once the right of the Church, and confirm'd by *Magna Charta*, and is not taken away but confirm'd by a multitude of Statutes since, is not continued by *Magna Charta*.

4. Thus (thou art a wonderful Conjuror) the Apparition is gone whether thou wilt or not: How our Courts are confirm'd in the Statutes, the Doctor shew'd thee abundantly in his Book: but I find thou hast no stomach to encounter any longer with *Leges Anglia*, or to smell to the Statutes.

S E C T. III.

More Causes to be tried in our Courts than Mr. Phil. allows.

Pag. 34. *Phil.* **G**RANT they have Authority, 'tis but in three or four things, and such, perhaps, they have cognisance of at this day.

Tim. Honest *Phil.* is at granting again, when he can deny no longer.

Pag. 34. Our Authority reacht but to three sorts of Causes in *pag. 18.* To three or four *pag. 26.* or, at most, but those ten things mentioned in 5 *Eliz. 23. de Excom. Capiend.* thou goest on apace, *Phil.* do but add those fifteen more which the Doctor enumerates out of *Candries Case*, and deny thy self satisfaction if thou canst.

C H A P. XIII.

Of Canons; their force, and power of making them.

S E C T. I.

Of the Old Canons.

Phil. **T**HOUGH they may have Authority to keep Courts, and to try such Causes; I cannot see how they can use that Authority, in try such Causes, seeing they have no Canons to act by.

1. First, for the old Canons; they were all made void by *Hen. 8.* and to judge and determine, was impossible, because they had no Canons, Decrees, nor Laws Ecclesiastical, to judge and determine of them; *pag. 20.* 'Tis evident all the old Canons were repealed in the Judgment of the House of Commons in the 37 of *Hen. 8. pag. 20.*

Tim. Stout still, *Phil.* first thou denyest their power; that would not do: then thou would'st limit it in its Causes; that failed thee: and now thou would'st incapacitate them to act in those, for want of Canons: and here keep thy ground or thou art lost for ever.

But

But this must be well examined ; for it springs from depth of skill, or height of confidence, or extensive breadth of malice and ignorance : none so bold as blind Bayard.

How Phil. ignorant of that plain Rule in the Common Law ? That the Law doth appoint every thing to be done by those unto whose office it properly appertaineth.

Dost thou not know, that the Common Law requires and impowers the Spiritual Courts, to give remedy in Cases belonging to them ? Coke Inst. pag. 1.

Dost thou not know, that the Kings Prerogative is a principal part of the Common Law, which also flourisheth in the Spiritual, as well as the Temporal Courts ? Coke, Cawdr. Case : and that Ecclesiastical Jurisdiction is part of the Royal Supremacy, to which thou art sworn ; and that he that denieth it, denieth the King to be a compleat Monarch and Head of the whole intire body of the Realm ; according to many Statutes in all Ages as well as the Common Law ? ibid.

And darest thou yet affirm, that the Kings Supremacy is cramp't, and can do nothing for the relief of his Subjects in any Spiritual Cause, which cannot be tried in the Civil Courts, because there are no Rules or Canons for such Courts of the King to proceed and determine by.

It is strange thou didst never heed that plain Statute of Hen. 8. it strikes thy notion dead : It assures us that the body Spiritual having power, when any Cause divine happens to come in question, the English Church, called the Spirituality, hath been reputed, and also found of that sort, for knowledge, &c. (without any exterior person) to declare and determine all such doubts, and to administer all such offices as appertain to them.

Phil. When the Popes Supremacy was taken away, vanish also did the Canons, and Episcopal Laws, pag. 14.

Tim. prethee Phil. how did they vanish ? of themselves, like thy airy fancies ; or as appendants, with the removal of the Popes Supremacy ? If so, tell me, why did not all our other Laws vanish too, seeing the Pope had so great a hand in them also, as thou saidst before ? But especially, why should there be a particular solemn Law made on purpose, for the rejection of any of the old Canons ? And why were such Canons (though old ones) that were not found contrariant to the Kings Prerogative and the Laws, why were such Canons kept in force by the Statute of Hen. 8. as thou confessdest ? pag. 14.

Phil. The House of Commons in 37 of Hen. 8. gave their Judgment, that all the old Canons were abrogated.

Tim. What so soon forget thy self ? Certainly thou hadst said otherwise [such as were not contrariant, &c. as remain in force] pag. 14.

But thou art ingenuous *Phil.* the Doctor helpt thee to the *Objection*, and gave thee its *answer* with it: and now thou usest the *objection* against him, without the least notice of the *answer*, or thanks to the *observer*. He gave thee *reason*, why the words of the *latter* Statute were to be *restrained* to such *Canons*, as being contrary to the *King* or *Law*, were abrogated by the *former* Statute: and not to be extended to such as were *not* so, and therefore were *not* abrogated.

But what a noise dost thou keep: are not the *Acts* of *Parliament*, the *Canons* of *King James*, and the ancient *practised* *Rules* of Court agreeable to the *Ancient Canon*, which are also allowed by the *Common Law*, sufficient means of *proceeding* in and determining all *Ecclesiastical* Causes, that are triable in our Courts? *Phil.* thou would'st bite like a *Badger*, but thou canst only shew thy *Teeth*: thou hadst better keep them within thy *lips*, lest one time or other they be struck out of thy *Head*.

S E C T. II.

Of King James's Canons; and power of making new Canons, by the Statute of Hen. 8.

Tim. D O not perceive *Phil.* our task is almost done: we have gained three great points, easily, out of thy hard hand, and fairly out of thy foul mouth: For thou hast confess'd, though sore against thy genius, 1. That our Courts have legal Authority. 2. That certain Causes do properly belong to them. 3. That the old Canons are kept in force by the Statute of *Hen. 8.* to try those Causes by. I mean (with the Statute) such of them as are not repugnant to the Kings Prerogative, and the Laws of the Land.

Now *Phil.* thou hangest but upon one twig, and if that fail thee, thou art quite sunk: that is the denial of the force of *King James's Canons*: and the Kings power with his Convocation to make new ones.

Phil. 'Tis false what the Doctor would make the 25 *Hen. 8.* 19. speak, as though by that Statute the Convocation hath power reserved of making new Canons, provided the Convocation be called by the Kings Writ, and have the Royal assent, &c.

If this be true, I do not know but the *Lambeth-Canons* (exploded and condemned by *Act* of *Parliament*) and those of *King James*, are all *Statute-Law* (i. e. Law by Statute or non-sence) for they were so made.

Tim.

Tim. Good *Phil.* discover his falshood herein, with Naked Truth: Is not such power reserved to the Convocation by the *Statute*, seeing they used that power before, and seeing it is *conceded*, and not taken away by that *Statute*? What is the meaning of reservation else?

Thy other paragraph is as modest as 'tis true: Are the *Canons* of King *James* confirmed by the *Royal assent*, and never questioned by any Act of *Parliament*, of no more force than those of *Lambeth*: Which are, as thou say'st, condemned by Act of *Parliament*? that is, no better than waste-paper: take heed *Phil.* of a thing call'd *crimen laesa Majestatis*.

Phil. But is not this Doctor an honest man? when the *Statute* only binds them to their good behaviour; namely, not to presume without the *Royal assent*, but does not enable them to make any new (*Canons*) with the *Royal assent*. Vid. Stat.

Tim. Meddle not *Phil.* with the Doctors honesty, that's above thy reach: mind thy own morals and the Doctors *Logick*: his argument is from a legal implication upon the negative in the *Statute*: He grounds his argument upon a known rule in Law, *Exceptio confirmat Regulam in non exceptis*; the *Statute* was made on purpose to limit the power formerly abused; and can any inference be plainer, than that the *Statute* supposeth and alloweth the power of the Convocation, so far as it doth not prohibit or limit them?

'Tis evident, the Judges thought so, when at the Committee of the Lords, my Lord Coke tells us, they declared, that those restraints (mentioned by him) were grounded on the *Statute*, which *Statute* (he adds) was but an affirmance of the Common Law. Rep. 12. p. 720.

I know *Phil.* if thou hadst been Lord Chancellor (and its pity thou hadst not) that thou would'st have declared more roundly; there is no need of these limitations: the Convocation has no power at all to make *Canons*, either without, or with the Kings assent. So would those Judges, had they been of *Phil.*'s mind.

Now *Phil.* bethink thy self, what a wild-Goose chase thou hast run: thou art out of breath sure, if not out of thy Wits: In this venturous course, thou may'st, at length, without more heed, out-run the Constable, or be caught by him, for thy running down the Doctor, my Lord Coke, all the Judges, the Kings Prerogative, and Acts of *Parliament*.

In sober sadness *Phil.* what wilt thou do? thou seest thou art dead in Law; thy *Fabrick* is ruined, thou art lost in the Rubbish, and hast written thy own *Epitaph*.

Here lies *Phil.* notorious for his pitiful Descants, his silly Cant, and shameless Recantations: For after all his Bravadoes and Rhodomantades, he hath plainly allow'd what he had condemn'd; and granted what

what he *denied*, and with all confidence argued against; namely, these Five points:

1. That our *Ecclesiastical Jurisdiction* was not really or *de jure* derived from the *Pope* before *Hen. 8.*

2. That that *King* did not dissolve but *confirm* the same.

3. That our *Spiritual Courts* have Authority by *Law*, at this day.

4. That *Spiritual Causes* do belong to, and are to be tried in them.

5. That the *old Canons* (at least) which are not repugnant to the *Kings Prerogative* or *Law* are still in force.

Yet *Phil.* hadst thou gained thy Cause, I must say, thou hadst lost the credit of a man and a *disputant*: Thou handlest the matter, the *Doctor*, and *Authority* it self, so scoundrelously, and so far below the Rules of all *Logick* and *Morality*, *Religion* and *Humanity*, as thou art a Just scandal both to thy *Profession* and *Nature*.

CHAP. XIV.

Of *Procurations*, *Synodals*, *Canonical Oaths*, *Fees*, &c.

Phil. Spare a little *Tim.* for though I have lost my weapons and quit the field, I have some stones to throw back at my Enemy.

Tim. Thus *Insects* do riggle when their heads are off.

Phil. Peace *Tim.* I have seen the dying blow of a *Cock* of the Game, strike home. I am sure my reserve hath a *sting* in it; and my *Pebbles* will fall like mountains upon their Courts; at least, in the opinion of my *Friends* and their *Enemies*.

Tim. *Mysterious Phil.* speak plainly, what's the project?

Phil. To be plain then; the truth is, I had taken much pains to prove the unlawfulness of the *Spiritual Courts*: with this I began my *Naked Truth*; and laid it down first, as the foundation of my *grievances*: but the *Doctor* in his *Leges Angliae* baffled me in that, and put me out of all hopes of doing mischief that way. Now I declare boldly, that was not the main drift and design of *Naked Truth*. I declare and proclaim boldly and frequently (no matter for *Naked Truth* now) that the *Doctor* saith not one word to my main design, namely, in answer to the *Vindication* of the *Canons Authority* to keep *Ecclesiastical Courts*, &c.

Tim.

Tim. Stop *Phil.* has not the Doctor *ONE WORD*? dost not find a whole Chapter (c. 7.) to prove the *Canons Authority*? and, doth not thy own *Vindication* take notice of it, as hath appeared, to little purpose? besides, was it not the *scope* of the Doctor's *Book*, to prove their *Authority* to keep *Ecclesiastical Courts*? Is thy *memory* bad too?

Phil. Or to impose Oaths of *Canonical obedience* upon the *Clergie*.

Tim. That's proved with the *Authority of the Canons*: which have force upon the *Clergie*, if any at all: besides, the *Statute* that confirms our *manner of ordering*, &c. imposeth the same, upon all that are *ordained*.

Phil. Or to impose Oaths upon *Church-wardens*.

Tim. I am ashamed of thy *trifling*: that's done, both by *Canon* and *Common*, and *Statute-Law*, as my Lord Chief Justice *Hales*, declared upon the *Bench*: if the *Wardens* be not to swear *against themselves*.

Phil. Nor, one word doth he write to *vindicate* their *unjust* and *unconscionable Impositions* and *Extortions* upon the *Clergie*, in *Procurations*, *Synodals*, *Institutions*, &c.

Tim. Now thou art in thy *Element*; but thy *memory* is *unfaithful*: Not one word! *Phil!* about *Procurations* and *Synodals*: (*the main thing wherein the Arch-deacon is concern'd in the charge.*) Indeed, he saith nothing in defence of *unjust* and *unconscionable impositions* and *extortions*; but he saith enough to prove, to any reasonable man, the lawfulness of taking the *usual Sum* for *Procurations* and *Synodals*: which have been *ever paid*, so far as our *Books* can discover.

But *this* charge is at the *end* of thy *Book*; and it seems thou hadst forgot what thou saidst at the *beginning* of it: there, thou saist, that he produceth not one *Reason* or *Argument*, except the *Statute* of Hen. 8. for *Synodals* and *Proxies*, to be granted from dissolved *Monasteries*, &c.

And, *Phil.* the *Argument* from Dissolved *Monasteries* to the ordinary *Clergie* is potent *a fortiori*: the *Reason* in the *Statute* is the same, for both: the *Bishop*, &c. pays *First-fruits* and *Tenhs* as well for his *Procurations* and *Synodals* received from the *Clergie*, as from the dissolved *Monasteries*: and the argument, *stronger*: because the *Clergie* are *visited*, the *Monasteries* are not: and you know *Procurations* are due, *ratione visitationis*.

But *Phil.* I ought to have an account, why thou saist the Doctor gives not one *reason* or argument for *Procurations* and *Synodals* besides the *Statute*: thus thou leapest like a *Squirrel* from one *twig* to another, till thou fallest to the ground: first [*not one word*] next, [*not one Reason*] except the *Statute*, both alike honest and true: doth not he

he tell thee plainly, and in more words, that *Procurations* and *Synodals* are due by ancient *Composition*, upon a valuable *Consideration*, and by undoubted long *Possession* and *Custom*, which is *Law in England*: *Sit liber Index. Leg. An. p. 64.* And, in a word, if any other fees are taken or exacted, from the Clergy, or others, that are not warrantable by *Law* or *Custom*, take thy remedy; the *Law* is open.

CHAP. XV.

CONCLUSION.

Phil. an Advocate for the Courts: his Reasons on their behalf: from the value of money: abuses in civil Court: Peace: his Declaration.

Tim. **W**ELL, *Phil.* I find at last thou hast painted thy self too fierce for thy Nature: I find some bias upon thy reason, inclining thee well; and it's pity, but ye should be friends: for,

1. Thou notest, the value of money is so different from what it was in Hen. 8.'s time, when a Harry groat would have bought as much *Victuals* as half a Crown now, that they cannot afford to keep *Clarks*, nor to write and to Register *Wills* at this day for the *Legal Fees*.

2. Again, thou observest, and that in favour of Ecclesiastical Courts, that other Courts are more abusive and excessive in fees: (I leave thee to make it good;) and 'twas very kindly remarked on our side, tho' severely enough against the Common-Law Courts, according to thy manner of speaking: thus,

Indeed the Extortions of the Spiritual Courts are inconsiderable in Comparison of those amongst the numerous Frie of Common-Lawyers, Attornies, Clarks, Notaries, Solicitors, Splitters of Causes, &c. whose numbers are numberless: and so goes on with the Crie---- p. 30, 31.

3. At length thou seem'st to have studied better politics, than thou hast lately practis'd, for in the nature of a Conclusion, thou saist: *Therefore men that trie, will certainly find (perhaps too late) that seldom comes a better.*

This is very friendly indeed, *Phil.* a little more of this Nature might render thee worthy of an *Advocates* place in the *Spiritual Courts*:

Courts: and then thou might'st go *ships* too: hadst thou writ, *Phil.* here.

But I find, thou canst not end, without one *ling* more at the Doctor.

Phil. Thou seest I can speak to thy sense: and indeed, I could say much more, to please *thee*, and the Doctor, and the Bishops too, had I encouragement, as I think I *deserve*: and this I had done before now, if the Lady at the beginning of the Doctor's Book had made me a *Curtesie*, or thank't me for my pains, upon *Curse ye, curse ye MEROZ*: but no such matter, *Tim.* too much Ingratitude and envy reigns amongst a sort of *unbinking Black-coats*.

Tim. No such matter, *Phil.* the Black-coats did think: and thought, that thy Text was well interpreted and justly turn'd against the Enemies of the Church of England: but, they thought also, that thou play'dst too wantonly with a *serious* subject, in an angry Age: and indeed, thou actedst the part of a Mountebank rather than a grave Preacher.

Well, but what's this to the Doctor, how shall he be satisfied?

Phil. He was *severe* with me, and I was *rude* with him: and there's an end.

Tim. *Rude!* Yea, *barbarous* and prodigiously *scurrilous*: and I should wonder, if thou seest not a necessity of giving both thy self and the Doctor, and the Church of England, better satisfaction.

I have known many, that when they have taken up thy *Vindication*, and with a cast of their eye, have perceived the *mode* of thy *Scribble*, have with disdain and loathing cast it from them: and to deal friendly with thee, I think thou ought'st to do something to recover thy self with the world.

Phil. I am sorry to hear that: prethee, what would'st have me do?

Tim. Thou hast heard of an *Engine*, call'd, *Pia fraus*: but *Phil.* if thou hast not the skill to joyn *Piety* and *Craft* together: either of them, well used, may do thee a kindness.

My first advice, and my best, is this; that thou would'st be meek and humble; and give the world a Cast of thy *Piety* in an honest retraction, and ingenuous peccavi.

But secondly, if repentance be too hard a Task; or thy *Talent* lie not that way; the other part of my advice is; to use *this craft*.

Send to thy *Gazetteer*, (he that Printed the Title of thy *Vindication*) and desire him to publish this following Declaration.

Whereas, there was lately Printed a very simple and malicious Pamphlet, called a *Vindication of Naked Truth*, the Second Part, against the trivial Objections of, *one Fullwood*, under the pretended Name of *Phil.*

E

Hickeringill,

Hickeringill, that the Scandalous Pamphlet might go off the better :
 There are to give Notice, that the said Pamphlet, is so idle and trivial
 and rudely Barbarous, and so insolently treats an ancient Doctor in Di-
 vinity, and the Laws of England, and our Church-Government, that
 the true *Phil-Hickeringill*, is ashamed of it; and doth hereby disown
 and disavow it; as the off-spring of the windy vapour of some (hot) Spa-
 nish Genet : or, to speak more truly, if not so properly, some wild, Eng-
 lish Ass.

Given under my Hand,

Philantos : or the true *Phil-Hickeringill*.

THE END.

*A CATALOGUE of some Books lately Printed
for Richard Roylston.*

THE *Establish'd Church*: Or, a Subversion of all the *Romanists* Pleas for the *Popes* Supremacy in *England*: Together with a *Vindication* of the present Government of the Church of *England*, as allow'd by the *Laws* of the *Land*, against all *Fanatical* exceptions; particularly of Mr. *Hickeringill*, in his Scandalous Pamphlet, stiled *NAKED TRUTH*, the 2d. Part. By *Fran. Fullwood*, D: D. Arch-deacon of *Totnes* in *Devon*.

Ἡμεῖς Ἀναμάρτυροι. Or, a Discourse of the Morality of the *Sabbath*, being an Exposition of *Exod. xx. v. 8, 9, 10, 11.* with *Prayers* relating thereunto, humbly offered to this present Age. By *John Gregory* Arch-deacon of *Glocester*.

The New Distemper: Or the Dissenters Usual Pleas for *Comprehension*, *Toleration*, and the *Renouncing* the *Covenant*, *Consider'd* and *Discuss'd*; with some *Reflections* upon Mr. *Baxter's* and Mr. *Alsop's* late Pamphlets, published in Answer to the Reverend Dean of *S. Paul's* Sermon concerning *Separation*.

The Lively Picture of *Lewis du Moulin*, drawn by an incomparable Hand. Together with his *Last Words*: Being his *Retraction* of all the Personal Reflections he had made on the *Divines* of the Church of *England*, (in several Books of his) Signed by Himself on the Fifth and the Seventeenth of *October*, 1680.